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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,528	02/19/2004	Ian M. Patterson	1578.119 (11659-US-PAT)	3253
44208	7590	06/28/2007	EXAMINER	
DOCKET CLERK PO BOX 12608 DALLAS, TX 75225			GARY, ERIKA A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,528	<b>Applicant(s)</b> PATTERSON ET AL.	
	<b>Examiner</b> Erika A. Gary	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 recites the limitation "the fixed network" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7, 8, and 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by De Beer, US Patent Application Publication Number 2005/0101323 (hereinafter De Beer).

Regarding claims 1 and 15, De Beer discloses an apparatus for a radio communication system having a first network and at least a second network permitting mobile node communications, said apparatus for facilitating determination of routing

information by which to route data pursuant to the mobile node communications by way of any of the first and at least second networks, said apparatus comprising: a registration request detector adapted to receive indications of a registration request, said registration request detector for detecting values of the registration request; at least a first table accessible at least responsive to detection by said registration request detector of the values of the registration request, said first table containing routing information indexed together with indicia associated with selected values of the registration request; a routing determiner adapted selectably to receive indications of selected routing information contained in said at least the first table, said routing determiner, responsive at least in part to the routing information, for determining routing by which the data is to be communicated pursuant to the mobile node communications by way of networks, free of additional registrations [figs. 1, 10; paragraphs 0033-0035, 0055].

Regarding claims 2, 4, and 16, De Beer discloses one of the first and at least second networks comprises a home network provider, and wherein the registration request detector is adapted to receive comprises identification of the home network provider with which the mobile node is associated and wherein the indicia associated with the selected values of the registration request indexed together in said first table comprises the identification of the home network provider [fig. 20; paragraphs 0055, 0061].

Regarding claims 3 and 17, De Beer discloses one of the first and at least second networks comprises a home network provider, and wherein the registration

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request detector is adapted to receive further comprises identification of the non-home network provider when the mobile node generates the registration request when positioned to communicate with the at least the second portion of the fixed network, and wherein the routing determined by said routing determiner is further responsive to the identification of the non-home network provider [paragraphs 0055, 0061, 0133].

Regarding claims 7 and 18, De Beer discloses a third network, wherein the second and third networks, respectively, encompass at least partially overlapping coverage areas, communication services provided at the second network by a first non-home network provider and communication services provided at the third network by a second non-home network provider, the routing determined by said routing determiner further responsive to whether roaming agreements are in place with the first non-home network provider with the second non-home network provider [paragraphs 0027, 0035].

Regarding claims 8 and 19, De Beer discloses the first network comprises a home network in which communication services are provided by a home network operator and wherein the routing determined by said determiner is further responsive to whether the agreements, if any, in place between the home network provider and the first non-home network provider and the home network provider and the at least the second non-home network provider [paragraph 0027].

Regarding claim 10, De Beer discloses the routing determined by said routing determiner comprises direct routing forming direct paths between at least a selected one of the at least the second network part and the first network [paragraphs 0097, 0098].

Regarding claim 11, De Beer discloses the routing information indexed at said at least the first table together with the indicia associated with the selected values of the registration request comprise host routing information entries associated with the home network provider [fig. 20].

Regarding claim 12, De Beer discloses wherein the routing determined by said routing determiner includes, in part, the host routing information indexed together at said at least first table with the home network provider [fig. 20].

Regarding claim 13, De Beer discloses at least one of the first network and the second network comprises a plurality of network parts, wherein said at least first table further indexes together host routing information entries with the network parts of the at least one of the first network part and the second network part [paragraphs 0038, 0082].

Regarding claim 14, De Beer discloses the routing determined by said routing determiner includes, in part, the host routing information entries indexed together at said at least first table with the network parts of the at least one of the first network part and the second network part [paragraphs 0038, 0082].

5. Claims 1, 5, 6, 15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lannen et al., US Patent Number 5,497,412 (hereinafter Lannen).

Regarding claims 1 and 15, Lannen discloses an apparatus for a radio communication system having a first network and at least a second network permitting mobile node communications, said apparatus for facilitating determination of routing information by which to route data pursuant to the mobile node communications by way

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of any of the first and at least second networks, said apparatus comprising: a registration request detector adapted to receive indications of a registration request, said registration request detector for detecting values of the registration request; at least a first table accessible at least responsive to detection by said registration request detector of the values of the registration request, said first table containing routing information indexed together with indicia associated with selected values of the registration request; a routing determiner adapted selectably to receive indications of selected routing information contained in said at least the first table, said routing determiner, responsive at least in part to the routing information, for determining routing by which the data is to be communicated pursuant to the mobile node communications by way of networks, free of additional registrations [abstract; col. 2: lines 19-23; col. 2: line 49 – col. 3: line 13].

Regarding claim 5, Lannen discloses the radio communication system comprises a registration server wherein said registration request detector is embodied at the registration server, and wherein the registration request is delivered to the registration server [col. 2: line 49 – col. 3: line 13].

Regarding claims 6 and 20, Lannen discloses wherein said at least the first table and said routing determiner are embodied at the registration server [col. 2: line 49 – col. 3: line 13].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Beer.

Regarding claim 9, De Beer does not specifically disclose the routing determined by said routing determiner comprises an Internet protocol address to be used to address the data to be routed by the mobile node. However, the Examiner takes Official Notice that it is well known in the art to use an Internet protocol address for routing purposes. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify De Beer to include this limitation in the case of packet routing.

### ***Response to Arguments***

8. Applicant's arguments filed April 9, 2007 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the mobile station is provided with determined routings usable to communicate by way of more than one network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the Examiner contends that neither De Beer



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nor Lannen suggest the use of additional registrations to route the data (see prior art citations in the above rejection). Lannen even discloses "end-to end validation and registration" which suggests that once the mobile is registered, routing information is established, even in the case of roamers and additional registration is not required [col. 2: lines 49 – col. 3: line 19].

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chava et al., US Patent Application Publication Number 2004/0156495, disclose an intermediary network system and method for facilitating message exchange between wireless networks.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG  
June 20, 2007

  
ERIKA A. GARY  
PRIMARY EXAMINER